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Via Albuquerque, and Kansas City.

Snead Comfort and Elegance
Pullman and Dining Service Unsurpassed.

Passing through the Grandest Scenery of the West
F. W. Prince, Agent, 641 Market St. San Francisco Cal

Sacramento Saloon

ANDY TODD, Prop.

The best of liquid refreshments always on tap, including imported
and domestic goods.

Good Cigars are a part of our stock.

You never make a mistake at the old corner.

The Eagle Market

Our Meats are the best, if you are not
satisfied with the place you are trading
call on us. Our motto is "The Best."
A pleased patron means a steady customer.

The Eagle Market

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF NEVADA, In and for the County of Ormsby.

Marion W. Bulkley, Plaintiff
vs.
Joseph W. Bulkley, Defendant

Action brought in the District Court of the First Judicial District of the State of Nevada, Ormsby County, and the complaint filed in the said court, in the office of the Clerk of said District Court on the 2d day of December, A. D. 1905.

THE STATE OF NEVADA SENDS
GREETING TO
JOSEPH W. BULKLEY
Defendant.

You are hereby required to appear in an action brought against you by the above named Plaintiff, in the District Court of the first Judicial District of the State of Nevada, Ormsby County, and answer complaint filed therein within ten days (exclusive of the day of service) after the service on you of this Summons is served in said county, or if served out of said County, but within the District, twenty days, in all other cases forty days, or judgment by default will be taken against you according to the prayer of said complaint.

The said action is brought to obtain the judgment and decree of this court that the bonds of matrimony heretofore and now existing and uniting you and said plaintiff be forever annulled and dissolved upon the ground that at divers times and places since said marriage you have committed adultery with one Kate Cottrell, and particularly that from about the 9th day of June 1900 to and including the 13th day of June, 1900, at the Charing Cross Hotel in the city of London, England, you lived and cohabited with said Kate Cottrell.

All of which more fully appears by complaint as filed herein to which you are hereby referred.

And you are hereby notified that if you fail to answer the Complaint, the said Plaintiff will apply to the Court for the relief herein demanded.

GIVEN under my hand and Seal of the District Court of the First Judicial District of the State of Nevada, Ormsby County, this 20 day of December, in the year of our Lord one thousand nine hundred and Five.

H. B. VAN ETTEN, Clerk.

(SEAL.)

Geo. W. Keita,

Attorney for Plaintiff.

Notice of Application for Permission to Appropriate the Public Waters of the State of Nevada.

Notice is hereby given that on the 15th day of Sept., 1905, in accordance with Section 23, Chapter XLVI, of the Statutes of 1905, one Philip V. Mighels and Frank L. Wildes of Carson, County of Ormsby and State of Nevada, made application to the State Engineer of Nevada for permission to appropriate the public waters of the State of Nevada. Such application to be made from Ash Canyon creek at points in N E 1/4 of S W 1/4 of section 10 T 15 N R 19 E by means of a dam and headgate and five cubic feet per second is to be conveyed to points in N E 1/4 of S W 1/4 of section 11, T 15 N R 19 E, by means of a flume and pipe and there used to generate electrical power. The construction of said works shall begin before June 1, 1906, and shall be completed on or before June 1, 1907. The water shall be actually applied to a beneficial use on or before June 1, 1905.

Signed:
HENRY THURTELL,
State Engineer.

SCHOOL APPORTIONMENT. STATE OF NEVADA.

Department of Education,
Office of Superintendent of Public Instruction.

Carson City, Nevada, July 11, 1905.

To the School Officers of Nevada:
Following is a statement of the second semi-annual apportionment of School Monies for 1905, on the basis of \$6,990,202 per census child:

Counties	children	Am't.
Churchill	135	\$ 943 98
Douglas	317	2,215 90
Elko	1,120	7,829 02
Esmeralda	217	1,516 87
Eureka	389	2,719 29
Humboldt	141	984 00
Lander	318	2,215 90
Lincoln	768	5,348 00
Lyon	290	2,019 00
Nye	450	3,129 00
Ormsby	929	6,441 00
Storey	929	6,441 00
Washoe	2,412	16,860 36
White Pine	525	3,669 88
Total	9,430	\$55,917 61

Joe Platt has received samples of tailor made suits which are, without doubt the finest ever shown in this city. A number of suits have already been made and they are perfect fits in every case. Get your measure taken and do it before the best samples are gone. He guarantees a fit or no pay.

IN THE SUPREME COURT OF THE STATE OF NEVADA.

Appealed From the Fourth Judicial District Court, Elko County, Nevada.

The State of Nevada,
Plaintiff and Respondent,
against

Paul Lovelace,
Defendant and Appellant.

Attorney General James G. Sweeney,
Attorney for State.
Wm. Woodburn, Attorney for Appellant.

Defendant appeals from a judgment rendered against him in the District Court in and for Elko County for the crime of burglary, and he assigns two reasons why, as he claims, judgment should be reversed.

First, the insufficiency of the indictment on which the judgment was based; and

Second, the absence of corroboration of the testimony of an accomplice who testified against the defendant.

Under the first head the point made is on the proper interpretation of the following clause in the indictment: "The said Paul Lovelace on the 11th day of May, 1904, in the night time of said day, or thereabouts, in the County of Elko, State of Nevada, without authority of the law and before the finding of this indictment, did willfully, unlawfully and burglariously break and enter the building of one Alexander Burrell."

Counsel for defendant in his brief, if an unsigned paper in the usual form of a brief found among the papers in the case as they appear filed in this court, is by us treated as a brief, say:

"Appellant claims that this indictment is not good at common law, because the words 'or thereabouts,' relate to and qualify the words 'night time.' This question was not raised in the court below, but is here presented for the first time.

The question is not whether the indictment would be good 'at common law'; it is whether it is good under the statute of Nevada that governs the subject. The subject is governed by the sections following concerning indictments:

Section 4199, Compiled Laws, 1900, provides that the indictment shall contain "a statement of the acts constituting the offense, in ordinary and concise language, and in such manner as to enable a person of common understanding to know what is intended."

Section 4206, Compiled Laws, 1900, has the following: "The words used in an indictment shall be construed in the usual acceptance in common language, except such words and phrases as are defined by law, which are to be construed according to their legal meaning."

Section 4208, Compiled Laws, 1900, provides: "Sixth—That the act or omission charged as the offense is clearly and distinctly set forth in ordinary and concise language, without repetition, and in such a manner as to enable a person of common understanding to know what is intended."

Section 4209 is as follows: "No indictment shall be deemed insufficient, nor shall the trial, judgment, or the proceeding thereon, be affected, by reason of any defect or imperfection in matters of form, which shall not tend to the prejudice of the defendant."

The foregoing enactments show that it was the intention of the legislature of Nevada that in construing indictments the courts should not indulge in a too exact and over-nice view of language; but that certainty to a common intent was all that should be required.

True, in the paragraph of the indictment under discussion, there is something of a departure from the best models of grammatical, rhetorical or linguistic expression. But we think the paragraph meets the requirement of the statute that "the act constituting the offense should be charged in ordinary and concise language, and in such manner as to enable a person of common understanding to know what is intended."

To hold the indictment not fairly stated is to think to keep within the statutory command, as expressed above in section 4208, or at least not to depart too far from such command, to wit, to construe "in the usual acceptance in common language."

We think the defect of the indictment complained of was such as in the language of Section 4209, above quoted, was a "defect or imperfection in matter of form, which did not tend to the prejudice of the defendant."

The language of the indictment could doubtless be made more accurate; but we think it is not fairly stated. In brief of Counsel for defendant the following correction is offered:

"If the words 'or thereabouts' had been inserted after the words 'on the 11th day of May, 1904,' the indictment could not be the subject of criticism or assault."

Perhaps the following phraseology might be considered an improvement on the phraseology of the indictment: "The said Paul Lovelace did in the night time of the 11th day of May, 1904, or in the night time of some day thereabouts the said 11th day of May, 1904, enter, etc."

Said Paul Lovelace did, in the night time, on or about the 11th day of May, 1904, enter, etc., etc., etc., might perhaps be considered a little better collocation of words, although it is something of a departure from the form suggested in the statute concerning the form of indictments.

That mere grammatical punctational (if verbal "free coinage" may be allowed), rhetorical or linguistic error does not always vitiate is fully sustained by decisions of courts and text writers. The following notably excellent authority is cited to sustain this doctrine:

Cyclopedia of Law and Procedure (Cyc.) vol. 6, page 199; and authorities there mentioned.

While this indictment, in the respects mentioned is in truth, inartistically drawn, yet under the statutes and the authorities above stated, we cannot say that it is fatally defective. The sections of the statute above quoted show that the legislative intent was that the courts of the State should give interpretations liberal to sustain rather than rigid to overthrow indictments when, as in this case substantial rights of defendants are not thereby prejudiced; and as we have from the authority mentioned seen that even under the common law to overthrow this indictment would seem too rigid an interpretation.

Under the second head the error claimed is stated in the brief of Counsel for defendant as follows:

"On the trial of appellant the deposition of one Ross, taken at the preliminary examination was read in evidence, because he broke jail and escaped before the trial and his presence could not be procured."

"He testified that he and appellant entered the store of Alexander Burrell on the day named in the indictment, stole a lot of amalgam of the value of about \$2400, and hurried it a short distance from the scene of the crime. Appellant claims there was no testimony corroborative of that of Ross, and that a conviction could not be had."

In this contention Counsel is, we think, clearly mistaken. Besides minor points of corroboration, not necessary to be mentioned here, the testimony of the witness W. J. Davidson corroborates the testimony of the accomplice Ross. Davidson testifies that the defendant requested him (Davidson) "to help him rob the store at Edgemont," that is the store that was robbed. Davidson further testifies that the defendant "told him he would have got the amalgam if something had not happened"—the amalgam was the article stolen in the robbery. Davidson further testifies that the defendant was trying to dispose of the amalgam, the thing stolen; and asked Davidson this question: "What am I going to do about that damned stuff?"

If this testimony was true, and its truth was a question entirely for the jury, there was corroboration of the testimony of the accomplice Ross.

Defendant fails in sustaining either of his two points urged in argument for the reversal of the judgment.

The judgment is therefore affirmed.

Fitzgerald, C. J.
We Concur:
Talbot, J.
Norcross, J.
Filed January 4, 1906.

TOURIST EXCURSION PARTIES TO THE EAST.

Over the Scenic Line of the World.

If you are going east and want to save money, yet travel with pleasure and comfort, it will pay you to invest our personally conducted tourist excursions. The parties are in charge of a Manager who accompanies the cars through St. Louis, Chicago and the Atlantic Coast and gives his personal attention to the welfare of each passenger in his charge. The schedules are arranged so you pass through the world-famed scenery on the Denver and Rio Grande Railroad by daylight. Open-top Observation cars (something entirely new) are free to all passengers. Let us know where you are going and we will be glad to give you full information about your trip, the lowest rates of fare and send you free of charge some handsome illustrated books of travel.

W. J. SHOTWELL,
General Agent.
625 Market Street, San Francisco, Cal.

Cattle and Horses.

The City Marshal gives warning that all loose stock found on the streets from this time on will be impounded. A strict attention to this parties owning stock will take warning ordinance will be enforced and impounding fines will be imposed in every case.

Wm. Kinney,
Marshal.

LADIES: I make from \$18 to \$20 per week and want all to have the same opportunity. The work is very pleasant and will pay you very handsomely for even your spare time. I speak from experience as I have frequently made \$5.00 in a single day. This is no deception. I want no money and will gladly send full particulars to all. Address,

MRS. W. W. MITCHELL,
Box 10, Portland Maine.

Notice to Hunters.

Notice is hereby given that any person found hunting without a permit on the premises owned by Theodore Winters, will be prosecuted. A limited number of permits will be sold at \$5 for the season or 50 cents for one day.

A. C. WINTERS.

Take a look at the new ties that are being shown at Platt's.

Wiard is closing out his \$20.00 stock at a sacrifice. This is an opportunity for Christmas shoppers.

Liberal Offer.

I beg to advise my patrons that the price of disc records (either Victor or Columbia), to take effect immediately, will be as follows until further notice:

Ten inch disks formerly 70 cents will be sold for 60 cents.

Seven inch records formerly 50c, now 35c. Take advantage of this offer.

C. W. FRIEND.

ORDINANCE NO. 112.

On Ordinance for the Licensing of Games and Gambling Devices in Carson City.

The Board of Trustees of Carson City do ordain:

Section 1. Each and every person, firm, company, corporation, or association within the limits of Carson City, who shall carry on as agent, manager, owner or proprietor, any game of faro, roulette, rondo, keno, or any other game not prohibited by the statutes of the State of Nevada, or who shall carry on or operate any machine-in-the-slot-machine, or who shall carry on or conduct any banking game played with cards, dice or other device, whether the same be played with money, checks, credit or any other valuable thing or representative of value, shall pay for and obtain a city license to carry on such game, and shall pay for each license twenty-five dollars (\$25.00) per month provided, that when more than one of said games are carried on in the same room or apartment, whether by the same or different owners, each game so carried on shall be separately licensed; and provided further, that the license imposed by this Ordinance is for the revenue only, and not for the purpose of prohibition, suppression or regulation.

Section 2. The provisions of this Ordinance shall apply to all time on and after October 1, 1905.

Section 3. Ordinance Number 53 and all other ordinances or parts of Ordinances in so far as they conflict with the provisions of this Ordinance are hereby repealed.

President of the Board of City Trustees of Carson City, Nevada.

Attest:
H. B. Van ETTEN, Clerk.

OFFICIAL COUNT OF STATE FUNDS.

County of Ormsby, s. s.

James G. Sweeney being duly sworn say they are members of the Board of Examiners of the State of Nev., that on the 29th day of Nov '05 they, (after having ascertained from the books of the State Controller the amount of money that should be in the Treasury) made an official examination and count of the money and vouchers for money in the State Treasury of Nevada and found the same correct as follows:

Coin	\$151,107 29
Paid coin vouchers not returned to Controller	16,835 71
Total	167,943 00
State School Fund Securities.	
Irredeemable Nevada State School bond	380,000 00
Mass. State 3 per cent bonds	537,000 00
Nevada State Bonds	253,700 00
Mass. State 3 1/2 per cent bonds	313,000 00
United States Bonds	215,000 00
Total	\$1,666,643 00

W. G. Douglass
James G. Sweeney

Subscribed and sworn before me this 29th day of November, A. D. 1905.

J. Doane,
Notary Public, Ormsby County, Nev.

ANNUAL STATEMENT

Of The State Life Insurance Company

Indianapolis, Ind.

Capital (paid up) none

Assets (admitted) 3,160,083 31

Liabilities exclusive of capital and net surplus 4615,497 63

Income

Premiums 946,907 77

Other sources 197,125 01

Total income, 1904 2,224,032 78

Expenditures

Losses 300,902 69

Dividends 65,240 11

Other expenditures 1,050,102 76

Total expenditures, 1904 1,416,245 56

Business, 1904

Risks written 23,276,143 09

Premiums thereon 805,048 06

Losses incurred 316,885 00

Nevada Business.

Risks written 10,000 00

Premiums received 2,832 43

Losses paid 5,000 00

W. S. Wynn Secretary.

New lines of footwear a daily at Ed. Burlington's Shoe Store. He has been considering the paucity by delay in freight. He is arriving daily. You will find the best and best lines of shoes tried in his store and prices are always the lowest. You can save money by purchasing footwear at his store.

Quarterly Report.

OFFICE COUNTY AUDITOR

Ormsby County, Nevada.

To the Honorable, the Board of County Commissioners, Gentlemen:

In compliance with the law, I herewith submit my quarterly report showing receipts and disbursements of Ormsby County, during the quarter ending Dec. 30, 1905.

Receipts.

Balane in County Treasury at end of last quarter	\$40023 36 1/2
County licenses	701 05
Gaming licenses	1057 50
Liquor licenses	210 20
Fee of Co. officers	531 40
Rent of county bldg.	250 00
Poll taxes	620 40
1st. Instalment taxes	14924 21 1/2
Special school tax	1710 90 1/2
Slot machine license	282 00
Cigarette license	42 30
Semi-Annual Sel. State Treas	521 78
Delinquent taxes	23 80 1/2
Sale of horse	30 00
Sale of pump	13 00
Keop of W. Bowen	45 00
Total	61,077 36 1/2

Disbursements.

State fund	6692 82 1/2
General fund	2732 32
Salary fund	2330 00
Agl. Assn. Bond Fund, Series A, \$100.00	250 00
Agl. Assn. Bond Fund, Series B \$100.00	400 00
Co. School Fund, Dist. 1	388 35
Co. School fund, Dist. 2	151 20
Co. School fund Dist. 3	20 70
Co. School Fund Dist. 4	24 60
State School fund, Dist. 1	1,290 09
State school fund, Dist. 2	160 00
State School fund, dist.3	120 00
State School fund, Dist. 4	165 00
Special building	5850 00
School library, No. 2	86 00
Total	21,968 59 1/2

Reconciliation.

Cash in Treasury October 1905

Receipts from Oct. 1st to Dec 30, 1905

Disbursements from Oct. 1st to Dec 30, 1905

Balance cash in County Treas. January 1, 1906

Respectfully submitted,

H. DIETERICH,
County Auditor.

Recapitulation

State fund	403 86
General fund	6017 02 1/2
Salary fund	2725 78 1/2
Co. School fund	3248 71
Co. School Dist. 1, fund	7638 22 1/2
Co. School Dist. 2, fund	133 61
Co. School Dist. 3, fund	190 65
Co. School Dist. 3, fund	125 05
State School Dist. 1, fund	1608 06
State School Dist. 2, fund	77 54 1/2
State School Dist. 3, fund	371 39
State School Dist. 3, fund	371 39
State School Dist. 4, fund	19 28
Agl. Assn. Fund A	630 82 1/2
Agl. Assn. Fund B	86 86 1/2
Agl. Assn. Fund Special	1918 94
Co. School Dist. fund - special	13755 90 1/2
Co. School Dist. fund 1, library	108 46
Co. School Dist. fund 2, library	6 14
Co. School Dist. fund 4, library	6 10
Total	39108 74 1/2

Respectfully submitted,

H. B. VAN ETTEN
County Treasurer

MILLARD CATLIN,

Handling,

Freighting

Drawing